

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED
AR SEP 18 2003
Michael N. Milby, Clerk

In re ENRON CORPORATION
SECURITIES, DERIVATIVE &
"ERISA" LITIGATION

MDL 1446

MARK NEWBY, ET AL.,

Plaintiffs

vs

CIVIL ACTION NO. H-01-3624
AND CONSOLIDATED
CASES

ENRON CORPORATION, ET. AL ,

Defendants

JOE H WALKER, et al.,

Plaintiffs

v

CIVIL ACTION NO. H-03-2345

ARTHUR ANDERSEN, LLP, et. al ,

Defendants

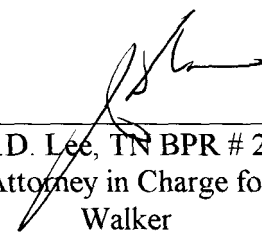
**PLAINTIFFS' RESPONSE TO OUSTSIDE DIRECTOR DEFENDANTS' RESPONSE
TO WALKER PLAINTIFFS' MOTION FOR RECONSIDERATION**

The Plaintiffs in this action respond to the Defendants allegations that the Plaintiffs' Motions to Reconsider and to apply Fifth Circuit Precedent are untimely and dilatory. The Plaintiffs respectfully point out to the Court the attached Case Note from the Plaintiffs' counsel's Needles Case Management Program (Exhibit 1). The Plaintiffs contacted the Clerk's office on June 19, 2003, eager to file their Fifth Circuit Supplement to the Motion to Remand. As shown in the note, Plaintiffs' counsel was informed that the Court did not even have the case file at that time and that all pending motions would remain pending until this case was given a new number under the Southern District's filing system and a decision on consolidation was made by the

Court. The Plaintiffs would have preferred to have their Fifth Circuit arguments before the Court when this matter was originally considered and were waiting for the events related by the Clerk to transpire before filing their Fifth Circuit arguments. The Plaintiffs were therefore surprised when the first entry on the docket regarding this case not only addressed consolidation but also denied the Plaintiffs' Motion to Remand be they had an opportunity to press their Fifth Circuit arguments. The Plaintiffs apologize for any delay in the filing of any motions, but they were only trying to conform to what they understood the practices of this Honorable Court to be and not attempt any sort of trick or delay tactic

Respectfully submitted this 15th day of September, 2003.

LEE, LEE & LEE



J.D. Lee, TN BPR # 2030
Attorney in Charge for Plaintiffs
Walker
422 South Gay Street, Suite 301
Knoxville, TN 37902
Telephone: 865-544-0101
Facsimile: 865-544-0536

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this document has been sent to the below-listed parties by way of the U S. Mail.

This 15 day of October, 2003



J D Lee

Robin C Gibbs
Kathy D. Partick
Gibbs & Bruns, L.L P
1100 Louisiana, Suite 5300
Houston, TX 77002
Attorneys for Defendants Belfer, Blake,
Duncan, Foy, Gramm, Jaedicke,
LeMaistre, Mendelsohn, Meyer,
Savage, Walker, and Winokur

H. Bruce Golden
Randall C. Owens
Golden & Owens, L.L P.
1221 McKinney Street, Suite 3150
Houston, TX 77010
Attorneys for Defendant Urquhart

John J McKetta, III
Helen Currie Foster
Eric G. Behrens
Graves, Dougherty, Hearon & Moody
515 Congress Avenue, Suite 2300
P O. Box 98
Austin, TX 78767
Attorneys for Defendant Mark-Jusbasche

James E. Coleman, Jr
Diane Sumoski
Carrington, Coleman, Sloman & Blumenthal, LLP
200 Crescent Court, Suite 1500
Dallas, TX 75201-1848
Attorneys for Defendant Lay

Jack O'Neill
Jason C. Norwood
Clements, O'Neill, Pierce, Wilson
& Fulkerson, L L P.
Wells Fargo Plaza
1000 Louisiana Street, Suite 1800
Houston, TX 77002-5009
Attorneys for Defendant Sutton

Jacks C Nickens
Paul D Flack
Nickens, Keeton, Lawless, Farrell
& Flack, L.L.P.
600 Travis, Suite 7500
Houston, TX 77002
Attorneys for Defendants Causey, Frevert,
Hannon, Horton, Kean, Rice, Whalley,
Buy, Koenig, McConnell, Olson and
McMahon

Jeffrey W. Kilduff
Bruce A. Hiler
Robert M Stern
O'Melveny & Myers, LLP
1650 Tysons Boulevard
McLean, Virginia 22102
Attorneys for Defendant Skilling

Roger E. Zuckerman
Deborah J Jeffrey
Norman L. Eisen
James A. Wolf
Zuckerman Spaeder LLP
1201 Connecticut Avenue, N.W
Washington, D C 20036
Attorneys for Defendant Pai

Zachary W L. Wright
Tonkon Torp LLP
1600 Pioneer Tower
888 SW Fifth Avenue
Portland, OR 97204
Attorney for Defendant Harrison

Gayle A. Boone
Clifford J. Gunter, III
Bracewell & Patterson, L.L.P
500 N. Akard Street, Suite 4000
Dallas, TX 75201-3387
Attorneys for Defendant Derrick, Jr.

Kenneth E. McKay
Locke Liddel & Sapp LLP
3400 Chase Tower
600 Travis Street
Houston, TX 77002-3095
Attorney for Defendant Delaney

Robert J. Walker
Joseph F. Welborn, III
Walker, Bryant, Tipps & Malone
2300 One Nashville Place
150 Fourth Ave., North
Nashville, TN 37219-2415
Attorneys for Defendants Lay and Derrick

Steven A. Riley
Salvador M. Hernandez
Bowen, Riley, Warnock & Jacobson, PLC
1906 West End Ave
Nashville, TN 37203
Attorneys for Defendants Skilling, Causey, Frevert, Hannon, Horton, Kean, Pai, Rice, Whalley, Buy,
Koenig, McConnell, McMahon, and Olson

Brigid M. Carpenter
Thomas O. Helton
Baker, Donelson, Baerman & Caldwell
211 Commerce St, Suite 1000
Nashville, TN 37201
Attorneys for Defendants Belfer, Blake, Duncan, Foy, Gramm, Jaedicke, LeMaistre, Mendelsohn, Meyer,
Savage, Walker, and Winokur

Michael L. Dagley
Bass, Berry & Sims, PLC
315 Deaderick St, Suite 2700
Nashville, TN 37238-0002
Attorney for Defendant Delaney

Walker, Mr. Andrew H.
Case #: 200955 (08-02-01)

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Class:

DOI: 11/1
Assigned: JDL

LIM Date: 11/1/02
Date Opened: 8/12/02

9/15/03 11:26 AM

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Date: 06/19/03 10:36 AM Staff: CPG

Topic: GENERAL

Ex. 1

spoke with Diane Coughlin in Houston. Their mailing address for filing purposes is P.O. Box 61010, Houston, TX 77208. She just received the Transfer Order and is ticked off because the courts send out the orders to other people before they get them and it makes them look stupid. Anyway, the case has not been assigned a number yet as they haven't received the file from the USDC. She has to write the court and ask them to send her the file. When received, it is assigned a number and given to Judge Melinda Harmon in chambers who will then have to decide which of three lead cases to consolidate it with. The three lead cases are: 1) securities; 2) derivative; and 3) ERISA. Sometimes there is overlap. No new deadlines have started to run and won't until they receive the case and it is consolidated into one of the 3 lead cases. Any motions now pending will remain pending. We can check on Pacer to see when the new number is assigned. The docket number to check under is 4:02MD1446.